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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,287	03/29/2001	Atsushi Inagaki	1232-4694	2141

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NEW YORK, NY 10281-2101

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/821,287	<b>Applicant(s)</b> INAGAKI, ATSUSHI	
	<b>Examiner</b> LUONG T. NGUYEN	<b>Art Unit</b> 2612	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 7 and 13.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 8/23/2005 have been fully considered but they are not persuasive.

In re page 6, Applicant argues that the instant application was filed on March 29, 2001 and claims priority under 35 U.S.C. §119 to Japanese Patent Application No. 2000-097628, which was filed on March 31, 2000. The cited reference (i.e., Fredlund) was filed on June 20, 2000. Accordingly, Fredlund is not available as prior art against this application and that all claim rejections under 35 U.S.C. §103 based on Fredlund are improper.

In response, since the Examiner have not received an English translation of the Japanese priority Application, the Examiner considers that all claim rejections under 35 U.S.C. §103 based on Fredlund is still proper.

In re pages 6-7, Applicant argues that Fredlund fails to teach, disclose or suggest a "controller" as recited in Applicant's claim 1.

In response, regarding claim 1, Applicant recited limitation "wherein said controller controls said display and said power supply unit so as to set said display ON for a predetermined period, display the information, and set said display OFF after the predetermined period, when said display is set to be OFF by said operation member and the information is set to be displayed on said display by said setting unit." The Examiner considers that claim 1 as recited does not distinguish from Fredlund patent. Fredlund discloses camera controller 30 controls display 35 as

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shown in figure 2, and the display can be turned on only for a period of time for displaying information (column 1, lines 20-27). This also means that after this period of time, the display is turned off. Since the display can be ON for a period of time for displaying information and OFF after that, the controller 30 has to control power supply unit to set the display to ON state or OFF state.

In re pages 8-9, Applicant argues that LCD switch 12 is not equivalent to the “operation member” as recited in claim 1. The Applicant also argues that it does not appear that Odea teaches, discloses, or suggests that the LCD switch 12 can be interfaced with a controller at all, much less in the manner that Applicant’s “operation member” is interfaced to the Applicant’s “controller.”

In response, regarding claim 1, Applicant recited limitation “an operation member that sets the display to be either OFF or ON.” The Examiner considers that Odea et al. does disclose this limitation. Odea et al. disclose the system controller 1 determines whether LCD switch 12 is on or not (figure 3, step S5, column 4, lines 37-46); when LCD switch 12 is on, power supply of LCD 29 is turned on, so LCD 29 is on (figure 3, step S6, column 4, lines 37-46). Therefore, LCD switch 12, which set the LCD to be either ON or OFF, corresponds to Applicant’s “operation member.”

In re page 9, Applicant asserts that the combination of Fredlund, Oeda, and Anderson fails to teach, disclose, or suggest all of the claim elements of claim 13, such as for example, “a fourth computer readable program code means for turning OFF the display after a predetermined period since the display is turned ON when OFF of the display is selected.” The Examiner disagrees. The Examiner considers that the combination of Fredlund, Oeda, and Anderson does

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disclose feature of claim 13. Regarding claim 13, Fredlund et al. and Oeda et al. disclose an apparatus has a function of displaying image and information about status of the apparatus as discussed regarding claim 1, except the feature “a computer program having a computer readable program code means for a display method.” However, Anderson teaches that while a preferred embodiment is implemented in software, those skilled in the art would readily recognize that a hardware equivalent implementation would also be acceptable (column 13, lines 58-63).

Therefore, the feature “a fourth computer readable program code means for turning OFF the display after a predetermined period since the display is turned ON when OFF of the display is selected,” which is a software program, is disclosed by combination of Fredlund, Oeda; and Anderson.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOC YEN VU can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN  
09/21/05



NGOC-YEN VU  
PRIMARY EXAMINER